

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

ESPERION THERAPEUTICS, INC.,

Plaintiff,

-against-

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

DAIICHI SANKYO EUROPE GMBH,

1:23-cv-02568 (ER)

Defendant.

----- x

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is /is not to be tried to a jury.
3. Joinder of additional parties must be accomplished by **October 16, 2023**.
4. Amended pleadings may be filed until **November 10, 2023**.
5. First sets of interrogatories shall be served no later than **August 22, 2023**, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 **shall** apply to this case.
6. First requests for production of documents shall be served no later than **July 20, 2023**.
7. Document production should be substantially completed by **October 20, 2023**.
8. Any further fact interrogatories shall be served no later than **November 6, 2023**.
9. Non-expert depositions shall be completed by **December 15, 2023**.
 - a. Depositions shall proceed concurrently.
10. The parties will disclose experts they anticipate calling to testify at trial on **December 15, 2023**.

11. Requests to Admit, if any, shall be served no later than **January 30, 2024**.
12. Expert reports shall be served no later than **January 12, 2024**.
13. Rebuttal expert reports shall be served no later than **February 2, 2024**.
14. Expert depositions shall be completed by **March 1, 2024**.
15. **ALL DISCOVERY SHALL BE COMPLETED BY March 1, 2024**.
16. Pre-motion letters for dispositive motions shall be submitted by **February 9, 2024**.
17. Trial – **April 15, 2024**.
18. Any motions shall be filed in accordance with the Court's Individual Practices.
19. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
20. The next case management conference is scheduled for March 6, 2024, at 11:30 a.m.

Dated: September 12, 2023

GIBSON, DUNN & CRUTCHER LLP

JONES DAY

By: /s/ Connor S. Sullivan

Orin Snyder
Matthew Benjamin
Mary Beth Maloney
Connor S. Sullivan
Grace Hart
Allyson Parks
Alexandra Perloff-Giles
Brian Yeh
200 Park Avenue
New York, NY 10166-0193
Telephone: 212.351.4000
OSnyder@gibsondunn.com
MBenjamin@gibsondunn.com
MMaloney@gibsondunn.com
CSSullivan@gibsondunn.com
GHart@gibsondunn.com
AParks@gibsondunn.com
APerloff-Giles@gibsondunn.com
BYeh@gibsondunn.com

*Attorneys for Plaintiff Esperion Therapeutics,
Inc.*

By: /s/ Elizabeth Marino


Toni-Ann Citera
250 Vesey Street
New York, NY 10281
Telephone: 212.326.3939
tcitera@jonesday.com

Jeremy Cole
Elizabeth Marino
Amanda Maslar
Charlotte Hogan
110 North Wacker Drive, Suite 4800
Chicago, IL 60606
Telephone: 312.782.3939
jpcole@jonesday.com
ejmarino@jonesday.com
amaslar@jonesday.com
charlottehogan@jonesday.com

*Attorneys for Defendant Daiichi Sankyo
Europe GmbH*

SO ORDERED.

Dated: New York, New York
September 14, 2023



Edgardo Ramos, U.S. District Judge